THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.23212 OF 2006

BETWEEN:

Sri Vasavi Arya Vaisha Nitayanna Satram Kaleshwaram, rep. by its President Medi Shnkariah

…Petitioner

vs.

The Station House Officer, Mahadevpur P.S. and another

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.23212 OF 2006

ORAL ORDER

The petitioner, in substance, seeks a direction to the 1st respondent to prevent the 2nd and 3rd respondents from interfering with the petitioner's possession and enjoyment of an extent of Ac.3.05 guntas in Sy.Nos.194 and 195 of Kaleshwarm Village, Mahadevpur Mandal, Karimnagar District.

According to the petitioner when the 2nd and 3rd respondents tried to interfere with the petitioner's enjoyment of the property, it filed O.S.No.25 of 2006 on the file of the Senior Civil Judge, Manthani, Karimnagar district and therein filed I.A.No.1119 of 2006 for a temporary injunction against the 2nd and 3rd respondents. The trial court granted a temporary injunction on 10-10-2006 but the injunction was vacated on 13-10-2006. Thereat, asserts the petitioner 2nd and 3rd respondents filed I.A.No.1148 of 2006 for restitution of the suit schedule property under Sec.144 of the Code of Civil Procedure,1908. It is not stated as to what happened to I.A.No.1148 of 2006. The petitioner states that it desires to prefer an appeal against the order of the trial court dated.30-10-2006 vacating the *ex-parte* interim injunction. While so, the petitioner alleges, even though there is standing crop in the suit schedule property, the 2nd and 3rd respondents are interfering and trying to dispossess the petitioner-society. This writ petition is therefore filed for a declaration that the

action of the 2nd and 3rd respondents in interfering with the function of the petitioner-society and its possession in respect of the land of an extent of Ac.3.05 guntas in Sy.Nos.194 and 195 of Kaleshwarm Village, Mahadevpur Mandal, Karimnagar District is illegal and for a direction to the said respondents not to interfere with the possession.

In substance, the petitioner here seeks an interim relief which it ought to seek from the appellate court in an appeal preferred against the order of the trial court dated.30-10-2006 dismissing its application for interim junction in O.S.No.25 of 2006. No such relief could be granted under Article.226 of the Constitution.

There are no merits. The writ petition is dismissed at the stage of admission. No order as to costs.

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GODA RAGHURAM,J

8th NOVEMBER 2006

***TSNR**